

## Remarks:

Claims 1-19 have been canceled as being drawn to a non-elected invention.

Claim 22 has been amended to correct a typographical error. Claim 22 now depends from claim 21 instead of depending from itself.

Claims 20-23 (all the claims pending) were rejected as being anticipated by Yamashita (U.S. Patent No. 6,092,341). However, MPEP §2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)

The Yamashita reference does not disclose each and every element set forth in the claims. More particularly, with regard to claim 20, although Yamashita does describe spinning a mold filled with concrete, it does not disclose the step of "stopping the spinning and measuring the wall thickness". Yamashita also does not disclose the step of "adding additional wet concrete into said hollow interior", and it does not disclose the step of "spinning said mold about its axis again." Therefore, the rejection of claim 20 under 35 USC §102 is unsupported and should be withdrawn.

With regard to claim 21, it depends from claim 20 and recites the additional step of "placing a plurality of second elongated reinforcing strands into said mold outside the first plurality of strands and tying said second elongated reinforcing strands to a second spiral strand..." Yamashita also does not disclose this step. Although Yamashita does describe a spiral "piled ring 21" positioned outside of a cage-like frame 4, the piled ring does not include elongated reinforcing strands. In fact, the purpose of the piled ring is to form a "frail portion 14" that ruptures under shearing forces, such as those that occur during earthquakes. Thus, the piled ring does not reinforce the "concrete rod-like body 12" and actually serves the opposite purpose. Thus, the rejection of claim 21 under 35 USC §102 is unsupported and should be withdrawn.

Claim 23 recites the additional steps of "encasing some of said elongated strands in casings...and tensioning said encased elongated strands after said wet concrete has dried." Yamashita does not describe anything about casings for the strands, and it does not disclose any of these steps. Thus, the rejection of claim 23 under 35 USC §102 is unsupported and should be withdrawn.

Claims 20-23 were also rejected as being obvious in view of a combination of Valle (U.S. Patent No. 5,667,744) and Fukushima (U.S. Patent No. 3,592,243). However, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). All of the claim limitations are not taught or suggested by the cited prior art.

More specifically, claim 20 recites a method of forming a concrete pole using a spin-casting technique, including the steps of:

“stopping the spinning and measuring the wall thickness;  
adding additional wet concrete into said hollow interior; and  
spinning said mold about its axis again.”

Neither Valle nor Fukushima teaches or suggests these steps. Valle describes a method for forming a *fiberglass* column, and the thickness of the column is determined *before* the spinning process by measuring the *weight* of uncured material with a scale. As Valle describes:

Then, depending on the desired thickness of the column 20, the appropriate amount of uncured column material 24 is drained from the mixers 26 into a bucket 214. A scale 418 is employed under the bucket 214 and is relied upon to determine when the appropriate amount of uncured column materials 24 is obtained...Once the bucket 214 is appropriately filled with uncured column materials 24, the bucket 214 of uncured column materials 24 is poured into the mold cavity 192 as shown in FIG. 9. (column 14, lines 45-60)

Valle does not teach the steps of measuring the wall thickness of a concrete pole, adding additional wet concrete, and spinning again as recited in claim 20. In fact, it actually teaches away from these elements by measuring the *weight* of the uncured material *before* it is spun instead of measuring the *thickness* of the material *after* it has been spun.

Fukushima describes a method of making a reinforcement structure for use with concrete pipes, piles, poles, and the like. It describes how to make *the reinforcement structure*, but it does not describe how to make *a concrete pole with* the reinforcement structure. There is no description regarding how concrete is added, how or whether the concrete pole is spun, or how or whether the wall thickness of the concrete pole is measured. Thus, Fukushima does not describe the steps of measuring the wall thickness of a concrete pole, adding additional wet concrete, and spinning again as recited in claim 20.

Since neither Valle nor Fukushima teaches or suggests all the limitations of claim 20, the rejection under 35 USC §103 is unsupported and should be withdrawn.

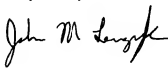
Turning to claim 21, neither Valle nor Fukushima teaches or suggests the use of a second set of reinforcing strands or a second spiral strand surrounding the second set of elongated reinforcing strands. Valle does not describe any reinforcing strands, and Fukushima only describes one set of reinforcing strands with a spiral strand. Therefore, in addition to the fact that all the limitations of claim 20 are not taught or suggested by the prior art, additional limitations recited in claim 21 are also not taught or suggested, and the rejection of claim 21 under 35 USC §103 is unsupported and should be withdrawn.

Turning also to claim 23, neither Valle nor Fukushima teaches or suggests encasing some of the elongated strands in casings and tensioning the encased strands

after the wet concrete has dried. Valle does not describe any reinforcing strands, and although Fukushima describes reinforcing strands, the strands are not encased in casings. Therefore, the rejection of claim 23 under 35 USC §103 is unsupported and should be withdrawn.

Since every claim now pending in the present application defines an invention that is novel and unobvious in view of the prior art, Applicant respectfully requests allowance of all the claims now pending. If there are any remaining issues to be resolved in this case, Applicant's attorney would appreciate receiving a phone call from the Examiner to help expedite their resolution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John M. Lenczyk". The signature is fluid and cursive, with the first name "John" being the most prominent part.

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